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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,601	09/18/2000	Jim B. Estipona	INTL-0450-US(P9561)	4352

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EXAMINER
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HUYNH, SON P

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/663,601	ESTIPONA, JIM B.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Son P. Huynh	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,4-7,10,13,15 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-7,10,13,15 and 17-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/17/2006 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 4-7, 10, 13, 15, 17-19 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues nothing in the ATVEF specification ever contemplated or provided the specific means to enable the user to elect to override the termination of enhancement at the end of the corresponding program and thereby be able to continue to receive such enhancement (page 5).

In response, the examiner respectfully disagrees with Applicant's argument. The amended claim recite new feature "transmitting a real time event that warns the user

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that the end of a program is approaching; and enabling the user to elect to retain enhancements after receiving said real time event warning of the end of the program.”

ATVEF discloses **triggers include a human-readable name**, an expiration date, and a script. Triggers that include a name attribute may be used to initiate an enhancement either automatically, or **with user confirmation** (see page 6, section 1.1.5). Announcement must be able to provide language, start and stop times (page 11, section 2.2, paragraph 2). **The client may present the user with a choice to start receiving trigger and content information**, or may do so automatically (page 27, lines 1-4). When the client receives a trigger, the client may notify the user that the content is available (page 27, paragraph 2, lines 1-2), **when an enhancement has been confirmed by the user, the enhancement is displayed** (page 27, paragraph 2, lines 1-2). When the new enhancement is being received at the same time as an existing enhancement is being displayed, and the new enhancement delivers its first trigger, the **client presents the user with the opportunity to navigate to the new enhancement** (page 27, paragraph 5, lines 1-6). Content creators may wish to collaborate with the producer of subsequent programs or commercial to build a single enhancement that spans multiple video segments. When the time period specified by the announcement is over, the client may automatically **end the enhancement or allow the user to continue viewing the enhancement over potentially unrelated video** (page 28, lines 1-7-9). The current enhancement associated with trigger stream may be automatically replaced with a new enhancement **if the client user interface permits this**. The client may decide whether to replace the page based on other factors as well, such as if the

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enhancement has run out of time and if the user has interacted with the enhancement (page 27, lines 1-18). Since the real time event (triggers) **include a human-readable name**, the user is watching the enhancement and video at the client, and the triggers is transmitted to the client for use to shut down the enhancement at the end the related video content (see disclosed above and also page 33, last paragraph), a real time event (trigger) is inherently transmitted to warn the user (at the client watching video and enhancement) that the end of a program is approach. Furthermore, because the client may decide whether to replace the new page with new enhancement (end the currently enhancement) or to retain the currently page (continue viewing the enhancement over potentially unrelated video) according to **user confirmation, user choice, user interface permits, or user interact with the enhancement** as disclosed above, the system inherently enable the user to elect (confirm, choice, interact) to retain enhancement (continue viewing the current enhancement) after receiving the real time event warning (trigger) of the end of the program.

For the reason given above, the rejections on claims 1, 4-7, 10, 13, 15, 17-19 are analyzed as discussed below.

Claims 2-3, 8-9, 11-12, 14, 16, 20-30 have been canceled.

***Claim Rejections - 35 USC § 102***

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4-7, 10, 13, 15, 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Advance Television Enhance Forum Specification (ATVEF).

Regarding claim 1, ATVEF teaches a method comprising:

transmitting an enhanced television program and a real time event/trigger (page 1, Abstract, lines 1-5, page 6, section 1.1.5, paragraphs 1-2, page 12, section 2.3 ); and automatically transitioning display of the program to full screen at the end of the program in response to the real time event/trigger (i.e. via trigger scripts, "tv:") – see including, but not limited to, page 6, section 1.1.5 and section 2.3, paragraph 3, page 27, paragraph 6, bridge paragraph of page 27 and page 28). Since the enhancement is "shut down" (bridge paragraph of page 27 and page 28), accessing enhancement is prevent.

ATVEF further discloses the real time event (triggers) **include a human-readable name** (page 6, section 1.1.5), the user is watching the enhancement and video at the client (see including, but is not limited to, page 6, section 1.1.5, page 27, paragraphs 1,3, 5, page 28, paragraph 3); and near the end of the program, the triggers is transmitted to the client to tell the application/client to shut down the enhancement at

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the end of the related video content (bridge paragraph between page 27 and 28, page 33, last paragraph), a real time event (trigger) is inherently transmitted to warn the user (user at the client who is currently watching video and enhancement) that the end of a program is approaching so the user could confirm/ choice/ interact to whether replace new page/terminate or continue viewing the currently enhancement.

ATVEF further discloses, in alternative embodiment, the client may decide whether to replace the new page with new enhancement/end the currently enhancement or to retain the currently page/continue viewing the enhancement over potentially unrelated video, according to **user confirmation, user choice, user interface permits, or user interact with the enhancement** (see page 6, section 1.1.5, page 27, paragraph 1, lines 1-2, paragraph 3, lines 1-2, paragraph 5, page 27, paragraphs 1-3). By doing so, the system inherently enable the user to elect (to confirm, to choice, to interact) to retain enhancement (continue viewing the current enhancement) after receiving the real time event warning (trigger) of the end of the program.

Regarding claim 4, ATVEF further teaches transmitting the real time event through an Internet Protocol multicast (page 12, lines 16-18; page 13, section 3.1, page 16, section 3.1.2).

Regarding claim 5, ATVEF further teaches transmitting a real time event including transmitting a trigger (page 6, section 1.1.5, page 16, section 3.1.2).

Regarding claim 6, ATVEF further teaches transmitting a trigger includes transmitting a trigger with a Uniform Resource Locator (page 6, section 1.1.5, page 16, section 3.1.2).

Regarding claim 7, ATVEF further transmitting a Uniform Resource Locator includes transmitting a Uniform Resource Locator using the tv: protocol (page 5, section 1.1.3, page 17, Appendix A, lines 1-3; page 18, item 5).

Regarding claim 10, the limitations of the article correspond to the limitations of the method as claimed in claim 1. ATVEF further discloses the receiver comprises software used to perform the instructions (page 3, paragraphs 4-5). Thus, rejection of claim 10 is analyzed as discussed in the rejection of claim 1.

Regarding claim 13, the limitations of an article as claimed correspond to the limitations of the method as discussed in the rejection of claim 5, and are analyzed as discussed with respect to the rejection of claim 5.

Regarding claim 15, the limitations of the article as claimed correspond to the limitations of the method as claimed in claims 6, 7, and are analyzed as discussed with respect to the rejection of claims 6 and 7.



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Regarding claim 17, the limitations of the system as claimed correspond to the limitations of the method as claimed in claim 1, and are analyzed as discussed in the rejection of claim 1, wherein the claimed storage is met by the memory at the receiver and the processor is met by the processor/CPU that control operation of the receiver (page 3, paragraph 4, page 9, section 1.1.7, page 11, section 2.2).

Regarding claims 18-19, the limitations of the system as claimed correspond to the limitations of the article as claimed in claims 13, 15, and are analyzed as discussed with respect to the rejection of claims 13, 15.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SPH  
February 17, 2006



**HAI TRAN**  
**PRIMARY EXAMINER**